

CLOSED,SEALED

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:19-mj-05288-DUTY All Defendants *SEALED*
Internal Use Only**

Case title: USA v. Wu

Date Filed: 12/12/2019

Date Terminated: 12/19/2019

Assigned to: Duty Magistrate Judge

Defendant (1)**Xueyong Wu**

TERMINATED: 12/19/2019

represented by **Barry L Greenhalgh**

Law Office of Barry L Greenhalgh
16633 Ventura Boulevard Suite 1405
Encino, CA 91436
818-788-9909
Fax: 818-788-3930
Email: blgbarry@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Carel Ale

Federal Public Defenders Office
321 East 2nd Street
Los Angeles, CA 90012
213-894-5186
Fax: 213-894-0081
Email: carel_ale@fd.org
TERMINATED: 12/17/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Defendant in violation of 21:846,
18:1956(h)

Disposition

Defendant is ordered HELD to ANSWER
to the USDC, Eastern District of Virginia
at Alexandria

Plaintiff

USA

represented by **US Attorney's Office**

AUSA - Office of US Attorney
Criminal Div - US Courthouse
312 N Spring St, 12th Floor
Los Angeles, CA 90012-4700
213-894-2434
Email: USACAC.Criminal@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
12/11/2019		(Court only) ***Defendant Xueyong Wu ARRESTED (Rule 5(c)(3)) (ja) (Entered: 12/16/2019)
12/12/2019	1	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Xueyong Wu, originating in the Eastern District of Virginia. Defendant charged in violation of: 21:846, 18:1956(h). Signed by agent William Murray, DEA, Special Agent. (ja) (Entered: 12/16/2019)
12/12/2019	2	REPORT COMMENCING CRIMINAL ACTION as to Defendant Xueyong Wu; defendants Year of Birth: 1979; date of arrest: 12/11/2019 (ja) (Entered: 12/16/2019)
12/12/2019	3	Copy of Sealed Complaint issued by the USDC Eastern District of Virginia as to Defendant Xueyong Wu (ja) (Entered: 12/17/2019)
12/12/2019	4	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Alexander F. MacKinnon as to Defendant Xueyong Wu Defendant arraigned and states true name is as charged. Attorney: Carel Ale for Xueyong Wu, Deputy Federal Public Defender, present. Detention Hearing set for 12/17/2019 03:00 PM before Magistrate Judge Alexander F. MacKinnon. (CANTONESE) INTERPRETER Required as to Defendant Xueyong Wu. \$400 - today proceedings; \$150 per hour for any further proceedings in CACD. Court Smart: CS 12/12/19. (ja) (Entered: 12/17/2019)
12/12/2019	5	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Xueyong Wu (ja) (Entered: 12/17/2019)

12/12/2019	 6	FINANCIAL AFFIDAVIT filed as to Defendant Xueyong Wu. (Not for Public View pursuant to the E-Government Act of 2002) (ja) (Entered: 12/17/2019)
12/12/2019	7	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant Xueyong Wu. (ja) (Entered: 12/17/2019)
12/16/2019	9	DECLARATION of SARAH WU (ja) (Entered: 12/26/2019)
12/17/2019	10	MINUTES OF RULE 5(c)(3) REMOVAL/ARRIVAL OF PROCESS HEARING/DETENTION HEARING held before Magistrate Judge Alexander F. MacKinnon as to Defendant Xueyong Wu. The Court Orders the defendant permanently detained. Court orders defendant held to answer to Eastern District of Virginia. Warrant of Removal and final commitment to issue. Barn L. Greenhalgh substituted in as retained counsel for defendant. Court Smart: CS 12/17/19. (ja) (Entered: 12/26/2019)
12/17/2019	11	ORDER OF DETENTION by Magistrate Judge Alexander F. MacKinnon as to Defendant Xueyong Wu (ja) (Entered: 12/26/2019)
12/17/2019	12	ORDER ON REQUEST for Approval of Substitution or Withdrawal of Attorney as to Xueyong Wu. Attorney Carel Ale terminated in case as to Xueyong Wu; attorney Barry L Greenhalgh added as to defendant Xueyong Wu. (ja) (Entered: 12/26/2019)
12/17/2019	13	WAIVER OF RIGHTS approved by Magistrate Judge Alexander F. MacKinnon as to Defendant Xueyong Wu. (ja) (Entered: 12/26/2019)
12/19/2019	8	MINUTES OF IN CHAMBERS ORDER by Magistrate Judge Alexander F. MacKinnon Denying Authorization of Interpreter as to Defendant Xueyong Wu. Court Smart: CS 12/19/19. (ja) (Entered: 12/23/2019)
12/19/2019	14	WARRANT OF REMOVAL AND COMMITMENT by Magistrate Judge Alexander F. MacKinnon that Defendant Xueyong Wu be removed to the Eastern District of Virginia (ja) (Entered: 12/26/2019)
12/19/2019		(Court only) ***Magistrate Case Terminated (ja) (Entered: 12/26/2019)
12/26/2019		Notice to Eastern District of Virginia of a SEALED Rule 5 Initial Appearance as to Defendant Xueyong Wu. Your case number is: 1:19MJ527. The clerk will transmit ALL restricted documents via email. If you require certified copies of any documents, please send a request to email address CrimIntakeCourtDocs-LA@cacd.uscourts.gov (ja) (Entered: 12/26/2019)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES – GENERAL

Case No. 19-05288M

Date: **December 19, 2019**

Present: The Honorable: Alexander F. MacKinnon, U.S. Magistrate Judge

Interpreter N/A

<u>Ilene Bernal</u>	<u>N/A</u>	<u>N/A</u>
<i>Deputy Clerk</i>	<i>Court Reporter / Recorder</i>	<i>Assistant U.S. Attorney</i>

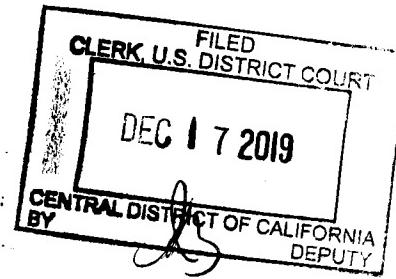
<u>U.S.A. v. Defendant(s)</u> XUEGONG WU	<u>Present</u> <u>Cust</u> <u>Bond</u> N/A X	<u>Attorneys for Defendants:</u> Barry L. Greenhalgh	<u>Present</u> <u>App</u> <u>Ret</u> N/A x
---	---	---	---

Proceedings: (In Chambers) Order Denying Authorization of Interpreter

Each custodial facility has its own requirements, and the Court will not issue an order that would supersede those requirements. The Court has also been unable to locate Ms. Wu on Federal or State Court lists of approved interpreters. Accordingly, the motion is denied.

Initials of Deputy Clerk

:
ib



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES v. Xueyong Wu	Plaintiff(s) Defendant(s)	CASE NUMBER CR 195288
(PROPOSED) ORDER ON REQUEST FOR APPROVAL OF SUBSTITUTION OR WITHDRAWAL OF ATTORNEY		

The Court hereby orders that the request of:

Xueyong Wu Plaintiff Defendant Other
 Name of Party

to substitute BARRY GREENHILL who is
 Retained Counsel Counsel appointed by the Court (Criminal cases only) Pro Se

16633 Venetian Bl & 1405
 Street Address

Encino, CA 91436 barrylaw7@gmail.com
 City, State, Zip E-Mail Address

818 406 3938 818 788 3930 52436
 Telephone Number Fax Number State Bar Number

as attorney of record instead of Fedora Public Defender

List all attorneys from same firm or agency who are withdrawing.

CHARLES ALE

is hereby GRANTED DENIED

The clerk is hereby ordered to terminate Notices of Electronic Filing for the withdrawing attorney(s) in this case.

Dated

12/17/2019

Dee Walker
 U.S. District Judge/U.S. Magistrate Judge

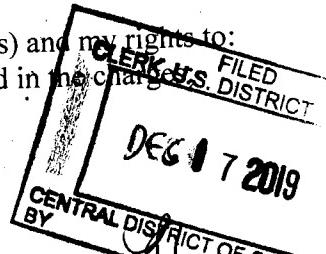
**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA, v.	PLAINTIFF	CASE NUMBER: <u>19 MJ 65288</u>
XUOYOW6 WY DEFENDANT.		WAIVER OF RIGHTS (OUT OF DISTRICT CASES)

I understand that charges are pending in the Saskia District of Virginia and that I have been arrested in this district and alleging violation of Ziuse PYC (Title and Section / Probation / Supervised Release)

taken before a United States Magistrate Judge, who has informed me of the charge(s) and my rights to:

- (1) have an identity hearing to determine whether I am the person named in the charge;
- (2) arrival of process;



-Check one only-

EXCLUDING PROBATION OR SUPERVISED RELEASE CASES:

- (3) have a preliminary hearing (unless an indictment has been returned or an information filed by the prosecution) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed.R.Crim.P., in order to plead guilty.

PROBATION OR SUPERVISED RELEASE CASES:

- (3) have a preliminary hearing (if the violation charged allegedly occurred in this district, and I am held in custody solely on that charge) under Rule 32.1(b), Fed.R.Crim.P., to determine whether there is probable cause to believe I have violated the terms of my probation/supervised release.

I HEREBY WAIVE (GIVE UP) MY RIGHT(S) TO:

- have an identity hearing
- arrival of process
- have a preliminary hearing
- have an identity hearing, and I have been informed that I have no right to a preliminary hearing
- have an identity hearing, but I request that a preliminary hearing be held in the prosecuting district.

Defendant

Defense Counsel

United States Magistrate Judge

Date: 12/17/19

I have translated this Waiver to the defendant in the

Coytawos language.

Date: 12/17/19

Interpreter(if required)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

United States of America v. XUEYONG WU,	CASE NUMBER: 19-05288M FINAL COMMITMENT AND WARRANT OF REMOVAL <u>EASTERN</u> District of <u>VIRGINIA</u> At <u>ALEXANDRIA</u> <i>(City)</i>
PLAINTIFF(S) DEFENDANT(S).	

To: United States Marshal for the Central District of California

The above-named defendant is hereby remanded to your custody and you are hereby ORDERED to remove him/her forthwith, along with a certified copy of this Commitment, to the custodian of a place of confinement within the District of Origin, approved by the Attorney General of the United States, where the defendant shall be received and safely kept until discharged in due course of law.

This defendant was arrested in this District after the filing of a(n):

- Indictment Information Complaint Order of court
 Pretrial Release Probation Supervised Release Violation Notice
 Violation Petition Violation Petition Violation Petition

charging him or her with (brief description of offense) Conspiracy to distribute five kilograms or more of cocaine, a Schedule II controlled substance; Conspiracy to commit money laundering

- in violation of Title 21; 18 United States Code, Section(s) 846; 1956(h)

- in violation of the conditions of his or her pretrial release imposed by the court.
 - in violation of the conditions of his or her supervision imposed by the court.

The defendant has now:

- duly waived arrival of process.

duly waived identity hearing before me on 12/17/19

duly waived preliminary hearing before me on 12/17/19

had a preliminary hearing before me on _____, and it appears that there is probable cause to believe that the offense so charged has been committed and that the defendant has committed it.

had an identity hearing before me on _____, and it appears that the defendant is the person named as charged, and:

Bail has been set at \$_____ but has not been posted.

No bail has been set.

Permanent detention has been ordered.

Temporary detention has been ordered.

Ron M. L.

Date

United States Magistrate Judge

RETURN

Received this commitment and designated prisoner on _____, and on _____,
committed him to _____ and left with the custodian at the same time
a certified copy of the within temporary commitment.

United States Marshal, Central District of California

Date

Deputy

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MINUTES - RULE 5/20 HEARING / DETENTION HEARING

Case No. 19-05288M CourtSmart Courtsmart Date: December 17, 2019

Present: The Honorable Alexander F. MacKinnon, U.S. Magistrate Judge

<u>Ilene Bernal</u> <i>Deputy Clerk</i>	<u>Ali Moghaddas</u> <i>Assistant U.S. Attorney</i>	<u>Jeffrey Cheung/Cantonese</u> <i>Interpreter / Language</i>
--	--	--

<p>USA v. Xueyong Wu</p> <p><input checked="" type="checkbox"/> Present <input checked="" type="checkbox"/> Custody <input type="checkbox"/> Bond <input type="checkbox"/> Not present</p>	<p>Attorney Present for Defendant: <u>Barry L. Greenhalgh</u></p> <p><input checked="" type="checkbox"/> Present <input type="checkbox"/> CJA <input checked="" type="checkbox"/> Retd <input type="checkbox"/> DFPD <input type="checkbox"/> Not present</p>
---	---

I. PROCEEDINGS: IDENTITY HEARING REMOVAL HEARING PRELIMINARY HEARING
 RE POSSIBLE RULE 20 ARRIVAL OF PROCESS
 FURTHER PROCEEDINGS RE Out of District case

- Process received not received
- Witness(es) CST Exhibits Marked See separate list.
- Court orders that exhibits be returned to the respective counsel / party of record. See receipt for Release of Exhibits to Counsel.
- Court finds defendant to be the person not to be the person charged in the Indictment Information
- Complaint.
- Court finds probable cause no probable cause to believe that the offense so charged has been committed and that the defendant has committed it.
- IT IS ORDERED that the defendant return to the originating district and proceedings be terminated in this district.
- Defendant executed Waiver of Rights. Process received. Process not received.
- Court ORDERS defendant Held to Answer to Eastern District of Virginia
- Bond to transfer, if bail is posted. Defendant ordered to report on or before _____
- Final commitment and warrant of removal to issue directing the U.S. Marshal to return the defendant to the district of origin. Date issued: 12-19-19 By: SL
- Final commitment and warrant of removal are ordered stayed until _____.
- Defendant executes Rule 20 consent form and is ordered HELD TO ANSWER to the U.S. District Court, Central District at Los Angeles Riverside Santa Ana.

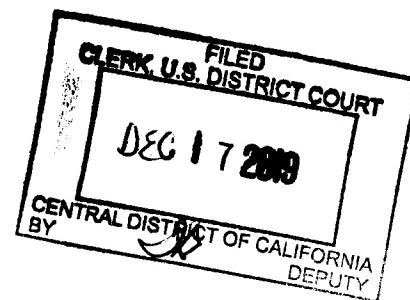
II. PROCEEDINGS: DETENTION HEARING

- Government's request for detention is: GRANTED DENIED WITHDRAWN CONTINUED
- Counsel stipulation to bail.
- Court finds presumption under 18 USC 3142e _____ has not been rebutted.
- Court ORDERS DEFENDANT PERMANENTLY DETAINED. See separate Detention Order.
- Court finds presumption under 18 USC 3142e _____ has been rebutted.
- Court sets bail at: \$ _____ SEE ATTACHED COPY OF CR-01 BOND FORM FOR CONDITIONS OF RELEASE.
- Court orders that defendant be detained for a period not to exceed ten (10) Court days. See separate order re temporary detention.
- Witnesses CST Exhibits Marked See separate list.
- Court orders that exhibits be returned to the respective counsel / party of record. See Receipt for Release of Exhibits to Counsel. Release Order Issued - Release No.: _____
- Court orders case continued to _____ at _____ a.m. p.m. for _____ before Judge _____ in courtroom _____.
- Other: Barry L. Greenhalgh substituted in as retained counsel for defendant.

I. _____ : 7 _____

II. _____ : 10 _____

Deputy Clerk Initials _____ ib



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 19-05288M

Plaintiff,

ORDER OF DETENTION

v.

Xueyong Wu

Defendant.

I.

- A. On motion of the Government in a case allegedly involving:
1. a crime of violence.
 2. an offense with maximum sentence of life imprisonment or death.
 3. a narcotics or controlled substance offense with maximum sentence of ten or more years.
 4. any felony - where the defendant has been convicted of two or more prior offenses described above.
 5. any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

B. On motion by the Government / on Court's own motion, in a case allegedly involving:

~~(X)~~ On the further allegation by the Government of:

1. a serious risk that the defendant will flee.
 2. a serious risk that the defendant will:
 - a. obstruct or attempt to obstruct justice.
 - b. threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

C. The Government ~~(X)~~ is/ () is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community.

II.

A. The Court finds that no condition or combination of conditions will reasonably assure:

- the appearance of the defendant as required.
 - and/or
 - the safety of any person or the community.

B. The Court finds that the defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

III.

The Court has considered:

- A. the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
 - B. the weight of evidence against the defendant;
 - C. the history and characteristics of the defendant; and
 - D. the nature and seriousness of the danger to any person or to the community.

IV.

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

V.

The Court bases the foregoing finding(s) on the following:

A. () As to flight risk:

- Lack of bail resources
 - Refusal to interview with Pretrial Services
 - No stable residence or employment *in the U.S.*
 - Previous failure to appear or violations or probation, parole, or release
 - Ties to foreign countries
 - Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
 -

B. As to danger:

- Nature of previous criminal convictions
 - Allegations in present charging document
 - Substance abuse
 - Already in custody on state or federal offense
 - Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

C. () Defendant submitted to detention

1 VI.
2

- 3 A. () The Court finds that a serious risk exists that the defendant will:
4 1. () obstruct or attempt to obstruct justice.
5 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

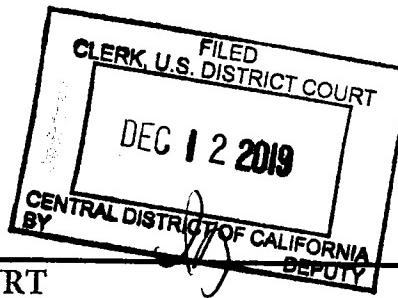
6 B. The Court bases the foregoing finding(s) on the following: _____
7
8
9
10

11 VII.
12

- 13 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
14 B. IT IS FURTHER ORDERED that the defendant be committed to the custody
15 of the Attorney General for confinement in a corrections facility separate, to
16 the extent practicable, from persons awaiting or serving sentences or being
17 held in custody pending appeal.
18 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
19 opportunity for private consultation with counsel.
20 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or
21 on request of any attorney for the Government, the person in charge of the
22 corrections facility in which the defendant is confined deliver the defendant
23 to a United States marshal for the purpose of an appearance in connection
24 with a court proceeding.

25 DATED: 12/17/2019
26

27
28 
ALEXANDER F. MacKINNON
UNITED STATES MAGISTRATE JUDGE



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

United States of America,

CASE NUMBER:

v.

Plaintiff,

(9 - MJ - 5288

Xueyong Wu
Defendant

**ADVISEMENT OF
DEFENDANT'S STATUTORY &
CONSTITUTIONAL RIGHTS**

You are in the United States District Court for the Central District of California because you have been charged with a crime against the United States or a violation of probation, supervised release, or pretrial release. The Court informs you that you have the following constitutional and statutory rights in connection with these proceedings:

You have the right to remain silent. Anything you say, sign, or write can be used against you in this or in any other case.

If you have not already received a copy of the charges, you will receive a copy today.

You have the right to hire and be represented by a lawyer of your choosing at each and every stage of these proceedings. If you cannot afford to hire a lawyer, you can apply to the Court to have a lawyer appointed to represent you for free from the office of the Federal Public Defender or the Indigent Defense Panel. The application for free counsel includes a financial affidavit, which you must sign under penalty of perjury. If you say something on the form that is not true or leave out material information, you could be charged with another crime, such as perjury or making a false statement.

If you are not a United States citizen, you may request that the prosecution notify your consular office that you have been arrested. Even without such a request, the law may require the prosecution to do so.

IF YOU ARE MAKING YOUR INITIAL APPEARANCE BEFORE THE COURT

You have a right to a bail hearing in which the Magistrate Judge will determine whether you will be released from custody before trial. If you disagree with the Magistrate Judge's decision, you can appeal that decision to another Judge of this Court. You or the prosecutor can request that the bail hearing be continued to another day.

If you have been charged by complaint, you are entitled to a preliminary hearing within 14 days if the Magistrate Judge orders that you be detained pending trial, or 21 days if the Magistrate Judge orders that you be released pending trial. In a preliminary hearing, the prosecution will attempt to show that there is probable cause to believe that you committed the crime charged in the complaint. You will not be entitled to a preliminary hearing, however, if the prosecution obtains an indictment in your case before the time set for the preliminary hearing. (Most often, the prosecutors in the Central District of California present their cases to the grand jury before the time set for the preliminary hearing and, therefore, no preliminary hearing is held.)

**IF YOU ARE CHARGED WITH A VIOLATION OF
YOUR CONDITIONS OF SUPERVISED RELEASE OR PROBATION**

If you are charged with a violation of the terms and conditions of your supervised release or probation and the Magistrate Judge detains you, you have the right to a preliminary hearing before a Magistrate Judge.

IF YOU ARE CHARGED IN ANOTHER DISTRICT

If you have been arrested on a charge from another district, you are entitled to wait until the prosecution produces a copy of the warrant authorizing your arrest. You are also entitled to an identity hearing in which the prosecution would have the burden of proving there is probable cause to believe that you are the person named in the charges. If you are charged in a complaint from another district, you may request to have a preliminary hearing held in the charging district. If you are charged with a violation of a term of supervised release or probation imposed in another district, you have a right to a preliminary hearing, which may, depending on where the alleged violation occurred, be held either here or in the charging district.

If you want to plead guilty in the Central District of California, you may request to have your case transferred to this district. To proceed in this district, the United States Attorneys for this district and the charging district must agree to the transfer.

IF YOU ARE APPEARING FOR ARRAIGNMENT

If you have been charged by indictment or information, you will be arraigned and may be asked to enter a not guilty plea today. After your arraignment, your case will be assigned to a District Judge of this Court for all further proceedings, unless a Judge has already been assigned.

You are entitled to a speedy and public trial by jury. The right to a jury trial can be waived.

You are entitled to see and hear the evidence and cross-examine the witnesses against you. You are entitled to the processes of the Court to subpoena witnesses on your behalf without cost to you if you are indigent. You do not have to prove your innocence. The prosecution has the burden to prove your guilt beyond a reasonable doubt.

ACKNOWLEDGMENT OF DEFENDANT:

I have read the above Advisement of Rights and understand it. I do not require a translation of this statement nor do I require an interpreter for court proceedings.

Dated: 12/12/19

Signature of Defendant

[or]

I have personally heard a translation in the _____ language read to me and understand the above Advisement of Rights.

Dated: _____

Signature of Defendant

STATEMENT OF THE INTERPRETER:

I have translated this Advisement of Rights to the Defendant in the Cantonese language.

Dated: _____

Signature of Interpreter

Wayne C. Choy
Print Name of Interpreter

STATEMENT OF COUNSEL:

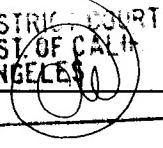
I am satisfied that the defendant has read this Advisement of Rights or has heard the interpretation thereof and that he/she understands it.

Dated: 12/12/19

Signature of Attorney

FILED

2019 DEC 12 PM 12:22

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELESUNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIABY: 

United States of America

PLAINTIFF(S)

v.

WU, XUEYONG

DEFENDANT(S.)

CASE NUMBER

19MJ05288
1:19-mj-527AFFIDAVIT RE
OUT-OF-DISTRICT WARRANT

The above-named defendant was charged by Complaint in the Eastern District of Virginia at 9:00 a.m. / p.m. The offense was allegedly committed on or about 12-11-19 in violation of Title 21 U.S.C. § 846 & 18 USC 1054 U.S.C., Section(s) _____ to wit: conspiracy to transport five or more kilograms of cocaine / laundering monetary funds

A warrant for defendant's arrest was issued by: N/A (P.C. Arrest)

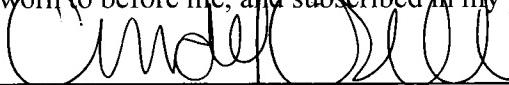
Bond of \$ _____ was set / recommended.

Type of Bond:

Relevant document(s) on hand (attach):

I swear that the foregoing is true and correct to the best of my knowledge.

Sworn to before me, and subscribed in my presence on 12/12/19, by




Deputy Clerk.

Signature of Agent

DEA
Agency

SA William Murray

Print Name of Agent

Special Agent
Title

FILED

2019 DEC 12 PM 12:22

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA19MJ05288
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES
BY: 60

UNITED STATES OF AMERICA

V.

WU, XUE YONG

PLAINTIFF

CASE NUMBER:

USMS# _____

DEFENDANT

REPORT COMMENCING CRIMINAL
ACTION

TO: CLERK'S OFFICE, U.S. DISTRICT COURT

All areas must be completed. Any area not applicable or unknown should indicate "N/A".

1. Date and time of arrest: 12-11-19 4:00 AM PM
2. The above named defendant is currently hospitalized and cannot be transported to court for arraignment or any other preliminary proceeding: Yes No
3. Defendant is in U.S. Marshals Service lock-up (in this court building): Yes No
4. Charges under which defendant has been booked:
21 USC. 846 Conspiracy to distribute five or more Kilograms of Cocaine
18 USC 1956 Laundering of Monetary Instruments
5. Offense charged is a: Felony Minor Offense Petty Offense Other Misdemeanor
6. Interpreter Required: No Yes Language: Cantonese
7. Year of Birth: 1979
8. Defendant has retained counsel: No
 Yes Name: N/A Phone Number: N/A
9. Name of Pretrial Services Officer notified: Marcus French
10. Remarks (if any): _____
11. Name: William Murray (please print)
12. Office Phone Number: (213) 305-9213
13. Agency: DEA
14. Signature: WM Murray
15. Date: 12-12-19

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,	Plaintiff,	<u>Western Division</u>	<u>UNDER SEAL</u>
vs.		Case Number: <u>2:19-MJ-05288-1</u> Initial App. Date: <u>12/12/2019</u> Initial App. Time: <u>2:00 PM</u>	<u>Out of District Affidavit</u> <u>Custody</u>
<u>Xueyong Wu</u>			
		Defendant.	Date Filed: <u>12/12/2019</u> Violation: <u>21USC846, 18USC1956(h)</u> CourtSmart/ Reporter:

PROCEEDINGS HELD BEFORE UNITED STATES MAGISTRATE JUDGE: Alexander F. MacKinnon

**CALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASE**

PRESENT: _____ Bernal, Ilene

Deputy Clerk

Ali Moghaddes
Assistant U.S. Attorney

Wayne Chan
Cantonese
Interpreter/Language

INITIAL APPEARANCE NOT HELD - CONTINUED

Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and preliminary hearing OR removal hearing / Rule 20.

Defendant states true name is as charged is _____
 Court ORDERS the caption of the Indictment/Information be changed to reflect defendant's different true name. Counsel are directed to file all future documents reflecting the true name as stated on the record.

Defendant advised of consequences of false statement in financial affidavit. Financial Affidavit ordered **SEALED**.

Attorney: Carel Ale, DFPD Appointed Prev. Appointed Poss. Contribution (see separate order) \$400. *today proceed*

Special appearance by: _____
 Government's request for detention is: GRANTED DENIED WITHDRAWN CONTINUED *\$150 per hr for any further proceeding in CACD.*

Defendant is ordered: Permanently Detained Temporarily Detained (see separate order).

BAIL FIXED AT \$ _____ (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS)

Government moves to UNSEAL Complaint/Indictment/Information/Entire Case: GRANTED DENIED

Preliminary Hearing waived.

Class B Misdemeanor Defendant is advised of maximum penalties

This case is assigned to Magistrate Judge _____ . Counsel are directed to contact the clerk for the setting of all further proceedings.

PO/PSA WARRANT Counsel are directed to contact the clerk for District Judge _____ for the setting of further proceedings.

Preliminary Hearing set for _____ at 4:30 PM

PIA set for: _____ at 11:00 AM in LA; at 10:00 AM in Riverside; at 10:00 AM in Santa Ana

Government's motion to dismiss case/defendant _____ only: GRANTED DENIED

Defendant's motion to dismiss for lack of probable cause: GRANTED DENIED

Defendant executed Waiver of Rights. Process received.

Court ORDERS defendant Held to Answer to _____ District of _____

Bond to transfer, if bail is posted. Defendant to report on or before _____

Warrant of removal and final commitment to issue. Date issued: _____ By CRD: _____

Warrant of removal and final commitment are ordered stayed until _____

Case continued to (Date) 12-17-19 (Time) 3:00 AM / PM

Type of Hearing: Detn Hrg & Pur Proc Before Judge MacKinnon /Duty Magistrate Judge.
Proceedings will be held in the Duty Courtroom _____ Judge's Courtroom Raybal - #780

Defendant committed to the custody of the U.S. Marshal Summons: Defendant ordered to report to USM for processing.

Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM.

Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM.

RELEASE ORDER NO: _____

Other: _____

PSA USPO

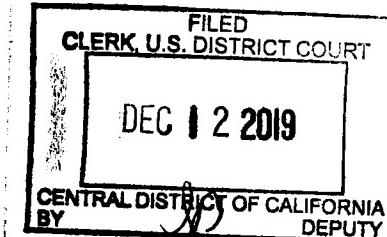
FINANCIAL

READY

Deputy Clerk Initials AB

30

1 NICOLA T. HANNA
2 United States Attorney
3 BRANDON D. FOX
4 Assistant United States Attorney
5 Chief, Criminal Division
6 ALI MOGHADDAS (Cal. Bar No. 305654)
7 Assistant United States Attorney
8 General Crimes Section
9 1200 United States Courthouse
10 312 North Spring Street
11 Los Angeles, California 90012
12 Telephone: (213) 894-1786
13 Facsimile: (213) 894-0141
14 E-mail: ali.moghaddas@usdoj.gov



10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

No. CR 19-MJ- 5288

15 Plaintiff,

GOVERNMENT'S NOTICE OF REQUEST FOR
DETENTION

16 v.

17 XUEYONG WU,
18 Aka "Antonio",

Defendant.

19 Plaintiff, United States of America, by and through its counsel
20 of record, hereby requests detention of defendant and gives notice of
21 the following material factors:

- 22 1. Temporary 10-day Detention Requested (§ 3142(d)) on the
23 following grounds:
24 a. present offense committed while defendant was on release
25 pending (felony trial),
26 b. defendant is an alien not lawfully admitted for
27 permanent residence; and

- 1 c. defendant may flee; or
- 2 d. pose a danger to another or the community.
- 3 2. Pretrial Detention Requested (§ 3142(e)) because no
- 4 condition or combination of conditions will reasonably
- 5 assure:
- 6 a. the appearance of the defendant as required;
- 7 b. safety of any other person and the community.
- 8 3. Detention Requested Pending Supervised Release/Probation
- 9 Revocation Hearing (Rules 32.1(a)(6), 46(d), and 18 U.S.C.
- 10 § 3143(a)):
- 11 a. defendant cannot establish by clear and convincing
- 12 evidence that he/she will not pose a danger to any
- 13 other person or to the community;
- 14 b. defendant cannot establish by clear and convincing
- 15 evidence that he/she will not flee.
- 16 4. Presumptions Applicable to Pretrial Detention (18 U.S.C.
- 17 § 3142(e)):
- 18 a. Title 21 or Maritime Drug Law Enforcement Act ("MDLEA")
- 19 (46 U.S.C. App. 1901 et seq.) offense with 10-year or
- 20 greater maximum penalty (presumption of danger to
- 21 community and flight risk);
- 22 b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b, or
- 23 2332b(g)(5)(B) with 10-year or greater maximum penalty
- 24 (presumption of danger to community and flight risk);
- 25 c. offense involving a minor victim under 18 U.S.C.
- 26 §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251,
- 27 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-2252A(a)(4),

2260, 2421, 2422, 2423 or 2425 (presumption of danger to community and flight risk);

- d. defendant currently charged with an offense described in paragraph 5a - 5e below, AND defendant was previously convicted of an offense described in paragraph 5a - 5e below (whether Federal or State/local), AND that previous offense was committed while defendant was on release pending trial, AND the current offense was committed within five years of conviction or release from prison on the above-described previous conviction (presumption of danger to community).

5. Government Is Entitled to Detention Hearing Under § 3142(f)

If the Case Involves:

- a. a crime of violence (as defined in 18 U.S.C. § 3156(a)(4)) or Federal crime of terrorism (as defined in 18 U.S.C. § 2332b(g)(5)(B)) for which maximum sentence is 10 years' imprisonment or more;
 - b. an offense for which maximum sentence is life imprisonment or death;
 - c. Title 21 or MDLEA offense for which maximum sentence is 10 years' imprisonment or more;
 - d. any felony if defendant has two or more convictions for a crime set forth in a-c above or for an offense under state or local law that would qualify under a, b, or c if federal jurisdiction were present, or a combination or such offenses;

- e. any felony not otherwise a crime of violence that involves a minor victim or the possession or use of a firearm or destructive device (as defined in 18 U.S.C. § 921), or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250;

f. serious risk defendant will flee;

g. serious risk defendant will (obstruct or attempt to obstruct justice) or (threaten, injure, or intimidate prospective witness or juror, or attempt to do so).

6. Government requests continuance of _____ days for detention hearing under § 3142(f) and based upon the following reason(s):

11

11

11

11

11

11

11

11

11

11

11

11

7. Good cause for continuance in excess of three days exists in that:

Dated: December 12, 2019

Respectfully submitted,

NICOLA T. HANNA
United States Attorney

BRANDON D. FOX
Assistant United States Attorney
Chief, Criminal Division

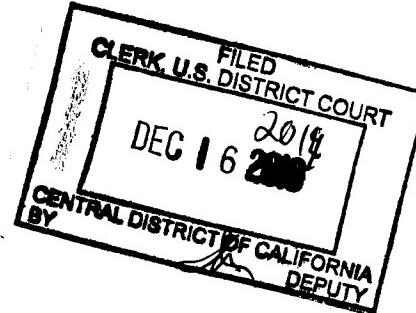
/s/

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 - 5288M

THE UNITED STATES OF AMERICA,) CASE NO. 19-5288
Plaintiff,) DECLARATION OF SARAH WU IN
vs.) SUPPORT OF AUTHORIZATION TO
XUEGONG WU, et. al.,) SERVE AS INTERPRETER
Defendant.)



I, SARAH WU, declare:

I declare that my date of birth is July 19, 1975 and my California Driver License number is B4184218.

I have no criminal record.

I have served as an interpreter in the United States Immigration Court and the Superior Court of California, pursuant to Court authorization.

I declare under penalty of perjury the foregoing is true and correct.

Executed this December 16, 2019, at Monterey Park, California.



SARAH WU